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17 Attorneys for Defendant
18 Conseco Life Insurance Company

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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1 Pursuant to the Court's direction at the case management conference on March 12, 2010,
 2 Plaintiffs Cedric Brady, Dr. Charles Hovden, Dr. Marion Hovden, Dr. Eugene Kreps, Dr. John
 3 McNamara, Dr. Hisaji Sakai, Jean Sakai and Bill W. McFarland ("Plaintiffs") and defendant
 4 Conseco Life Insurance Company ("Conseco Life") (together, the "Parties") HEREBY
 5 STIPULATE AND AGREE as follows:

6 1. Conseco Life's opposition to Plaintiffs' motion for class certification (filed on March
 7 11, 2010) shall be filed no later than April 22, 2010;

8 2. Plaintiffs' reply in further support of their motion for class certification shall be filed
 9 no later than May 13, 2010;

10 3. The Court shall hear argument on Plaintiffs' motion for class certification on June 4,
 11 2010, as previously ordered (Docket No. 12);

12 4. Each side is permitted to take no more than twenty (20) depositions of fact
 13 witnesses, including those depositions already taken by any party on the date of this stipulation. In
 14 addition to fact witness depositions, each side shall be permitted to take the deposition of the expert
 15 witnesses designated by the other side;

16 5. Each side is permitted to serve on the other side thirty-two (32) interrogatories,
 17 including those already served.

18 6. Fact discovery on all issues shall close on October 29, 2010;

19 7. The parties shall identify any expert witnesses whose opinions, reports or testimony
 20 may be used at trial and provide a general statement of the topics about which each expert is
 21 expected to testify on October 29, 2010;

22 8. All reports of expert witnesses shall be due no later than November 19, 2010;

23 9. Rebuttal expert reports, if any, shall be provided no later than December 21, 2010;

24 10. Expert discovery on all issues shall close on January 28, 2011;

25 11. Dispositive motions, if any, shall be filed no later than February 18, 2011;

26 12. Oppositions to dispositive motions shall be filed no later than March 18, 2011;

27 13. Replies in support of dispositive motions shall be filed no later than April 1, 2011;

28 14. The final pretrial conference shall be scheduled at the Court's convenience;

15. Trial shall begin on May 23, 2011;

16. Upon showing of good cause, a party may seek to modify the schedule or limits on
3 discovery set forth in this Order.

4 17. All future filings related to *Brady v. Conseco, Inc., et al.*, Case No. 08-5746-SI (N.D.
5 Cal.); *McFarland v. Conseco Life Insurance Co., et al.*, Case No. 10-0652-SI (N.D. Cal.) and
6 *Muldrow v. Conseco Life Insurance Co., et al.*, Case No. 10-0689-SI (N.D. Cal.) shall be made
7 under MDL Docket Number 10-cv-2124-SI, and the parties shall request that the Court
8 administratively close the three other above-mentioned pending cases.

9 DATED: March 16, 2010 Millstein & Associates

10
11 By: /s/ David J. Millstein
12 David J. Millstein
13 Attorneys for the Brady Plaintiffs

14 DATED: March 16, 2010 Gilbert LLP

15 By: /s/ August J. Matteis, Jr.
16 August J. Matteis, Jr.
17 Attorneys for the Brady Plaintiffs

18 DATED: March 16, 2010 Berman DeValerio

19 By: /s/ Michael Pucillo
20 Michael Pucillo
Joseph J. Tabacco
Chris Heffelfinger
21 Attorneys for Plaintiff McFarland

22 DATED: March 16, 2010 Skadden, Arps, Slate, Meagher & Flom LLP

23
24 By: /s/ James R. Carroll
25 Raoul D. Kennedy
James R. Carroll (Admitted *Pro Hac Vice*)
David S. Clancy (Admitted *Pro Hac Vice*)
26
27 Attorneys for Defendant
28 Conseco Life Insurance Company

1 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

2 I, James R. Carroll, am the ECF User whose ID and password are being used to file
3 this Stipulation And Proposed Order. In compliance with General Order 45.X.B, I hereby attest
4 that concurrence in the filing of this document has been obtained from each of the other signatories.
I declare under penalty of perjury under the laws of the United States of America that the foregoing
is true and correct.

5 Executed this 16th day of March, 2010, at Boston, Massachusetts.

6

7 By: /s/ James R. Carroll
James R. Carroll

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9 PURSUANT TO STIPULATION, IT IS SO ORDERED,

10 Dated:

11 By: 
Hon. Susan Illston

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